

*STIPULATING PARTIES AND COUNSEL
LISTED ON SIGNATURE PAGES*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

This Document Relates to: Individual Case
No. 13-cv-2171 (SC)

DELL INC.; DELL PRODUCTS L.P.,
Plaintiffs,

v.

PHILIPS ELECTRONICS NORTH AMERICA
CORPORATION *et al.*,
Defendants.

Case No. 07-5944 (SC)

MDL No. 1917

**STIPULATION AND [PROPOSED]
ORDER REGARDING THE FIRST
AMENDED COMPLAINT IN THE
DELL INC. AND DELL PRODUCTS
L.P. ACTION**

Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiffs Dell Inc. and Dell Products L.P. (collectively, "Plaintiffs") and the undersigned Defendants have conferred by and through their counsel and, subject to the Court's approval, HEREBY STIPULATE AS FOLLOWS:

WHEREAS, on February 17, 2013, Plaintiffs filed a Summons (the "Dell Summons") and Complaint (the "Dell Complaint") in the Western District of Texas, *Dell Inc., et al. v. Philips Electronics North America Corp., et al.*, Case No. 13-cv-141 (the "Dell Action");

WHEREAS, on March 19, 2013, the Judicial Panel on Multidistrict Litigation issued a conditional transfer order pursuant to 28 U.S.C. §1407, transferring the Dell Action to the Northern District of California to be consolidated with MDL No. 1917, *In re Cathode Ray Tube (CRT) Antitrust Litigation*, No. 07-cv-5944-SC (the "MDL");

WHEREAS, on March 27, 2013, the automatic seven-day stay on the above-mentioned conditional transfer order was lifted;

WHEREAS, on May 13, 2013, the Dell action was transferred to the MDL;

WHEREAS, on May 28, 2013, Plaintiffs filed as a matter of course the First Amended Complaint (the "Dell Amended Complaint");

WHEREAS, the undersigned Defendants named in the Dell Amended Complaint ("Defendants") have not yet been formally served with process;

IT IS HEREBY STIPULATED AND AGREED by and between counsel for the undersigned Plaintiffs and Defendants, as follows:

1. Each of the undersigned Defendants shall be deemed served with the Dell Summons, Complaint, and Amended Complaint as of the date of execution of this Stipulation.

2. The Dell Amended Complaint asserts similar causes of action alleged by the following Direct Action Plaintiff complaints: *Stoebner v. LG Electronics, Inc.*, No. 11-cv-05381 (N.D. Cal.) (Nov. 7, 2011); *Target Corp. v. Chunghwa Picture Tubes, Ltd.*, No. 11-cv-05514 (N.D. Cal.) (Jan. 6, 2012); *P.C. Richard & Son Long Island Corp. v. Hitachi, Ltd.*, No. 12-cv-02648 (N.D. Cal.) (Nov. 14, 2011); *Schultze Agency Servs., LLC v. Hitachi, Ltd.*, No. 12-cv-02649 (N.D. Cal.) (Nov. 14, 2011); *CompuCom Systems, Inc. v. Hitachi, Ltd.*, No. 11-cv-06396

(N.D. Cal.) (Nov. 14, 2011); *Interbond Corp. of Am. v. Hitachi, Ltd.*, No. 11-cv-06275 (N.D. Cal.) (Nov. 14, 2011); *Costco Wholesale Corp. v. Hitachi, Ltd.*, No. 11-cv-06397 (N.D. Cal.) (Nov. 14, 2011); *Siegel v. Hitachi, Ltd.*, No. 11-cv-05502 (N.D. Cal.) (Nov. 14, 2011); *Office Depot, Inc. v. Hitachi, Ltd.*, No. 11-cv-06276 (N.D. Cal.) (Nov. 14, 2011); *Best Buy Co., Inc. v. Hitachi, Ltd.*, No. 11-cv-05513 (N.D. Cal.) (Nov. 14, 2011); *Electrograph Systems, Inc. v. Hitachi, Ltd.*, No. 11-cv-01656 (N.D. Cal.) (Mar. 10, 2011); and *Tech Data Corporation, et al. v. Hitachi, Ltd. et al.*, Case No. 8:12-cv-02795 (M.D. Fla.) (Dec. 11, 2012).

3. The Dell Amended Complaint seeks damages based on an alleged conspiracy to fix, raise, maintain, and/or stabilize prices for CRTs, as set forth in the Dell Amended Complaint; the Dell Amended Complaint does not assert any claims that Defendants have combined and conspired to fix, raise, maintain or stabilize the prices of products containing CRTs (“CRT Finished Products”).

4. On August 17, 2012, Defendants filed motions to dismiss and for judgment on the pleadings with respect to the following Direct Action Plaintiff complaints (the “Dispositive Motions”): *Stoebner v. LG Electronics, Inc.*, No. 11-cv-05381 (N.D. Cal.) (Nov. 7, 2011); *Target Corp. v. Chunghwa Picture Tubes, Ltd.*, No. 11-cv-05514 (N.D. Cal.) (Jan. 6, 2012); *P.C. Richard & Son Long Island Corp. v. Hitachi, Ltd.*, No. 12-cv-02648 (N.D. Cal.) (Nov. 14, 2011); *Schultze Agency Servs., LLC v. Hitachi, Ltd.*, No. 12-cv-02649 (N.D. Cal.) (Nov. 14, 2011); *CompuCom Systems, Inc. v. Hitachi, Ltd.*, No. 11-cv-06396 (N.D. Cal.) (Nov. 14, 2011); *Interbond Corp. of Am. v. Hitachi, Ltd.*, No. 11-cv-06275 (N.D. Cal.) (Nov. 14, 2011); *Costco Wholesale Corp. v. Hitachi, Ltd.*, No. 11-cv-06397 (N.D. Cal.) (Nov. 14, 2011); *Siegel v. Hitachi, Ltd.*, No. 11-cv-05502 (N.D. Cal.) (Nov. 14, 2011); *Office Depot, Inc. v. Hitachi, Ltd.*, No. 11-cv-06276 (N.D. Cal.) (Nov. 14, 2011); *Best Buy Co., Inc. v. Hitachi, Ltd.*, No. 11-cv-05513 (N.D. Cal.) (Nov. 14, 2011); and *Electrograph Systems, Inc. v. Hitachi, Ltd.*, No. 11-cv-01656 (N.D. Cal.) (Mar. 10, 2011). (Dkts. 1316, 1317, 1319). Special Master Legge issued a Report and Recommendation regarding the Dispositive Motions on May 2, 2013 (the “Report

and Recommendation”). Direct Action Plaintiffs and Defendants are objecting to certain conclusions in the Report and Recommendation.

5. Pending the resolution of the Dispositive Motions by the Honorable Samuel Conti, the undersigned Defendants do not need to answer or otherwise respond to the Dell Amended Complaint. Once the Honorable Samuel Conti rules on the Dispositive Motions, the parties agree to set a reasonable deadline for Defendants’ answers and/or a reasonable briefing schedule for Defendants’ motions to dismiss Dell’s Amended Complaint.

6. The undersigned parties jointly and respectfully request that the Court enter this stipulation as an order.

Dated: June 17, 2013 ALSTON & BIRD

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PURSUANT TO STIPULATION, AND GOOD CAUSE APPEARING THEREFORE,
IT IS SO ORDERED.

DATED: _____

HONORABLE SAMUEL CONTI
UNITED STATES DISTRICT COURT JUDGE

E-FILER'S ATTESTATION

I, Debra D. Bernstein, am the ECF user whose ID and password are being used to file the Stipulation And [Proposed] Order Regarding the First Amended Complaint in Dell Inc. and Dell Products L.P.'s Action. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each listed counsel above has concurred in this filing.

Dated: June 17, 2013

/s/ Debra D. Bernstein
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